



Frequently Asked Questions about the County Executive's Youth Curfew Proposal

From the Montgomery County Office of Public Information

► Why is Montgomery County considering a curfew?

Simply put, a youth curfew will help protect young people. The County is considering a limited youth curfew as an additional method to improve the safety of juveniles, the safety of residents and visitors to our increasingly urbanized communities, and to reduce juvenile-related crimes. In the past several months police have seen gang members and other young adults coming from neighboring areas that have curfews and engaging in unlawful or violent activities – at times including county youth or directed at them. Current laws are not adequate to manage large groups of teens that gather for the purpose of causing trouble. A youth curfew would complement already existing public safety activities and positive youth development programs to protect underage youth from being the victims of crime or being involved in crime.

► What could a curfew accomplish?

A limited curfew could help prevent our youth, other residents, and businesses from becoming victims of unlawful behavior close to and during the curfew hours. It would give the Montgomery County Police Department the same tool that Prince George's County and Washington D. C.'s Metropolitan Police have to prevent unlawful behavior and victimization. It would help manage the influx of youth coming from other curfew-regulated jurisdictions who engage in criminal activity. A by-product could be assisting parents and guardians who have difficulty getting their teens to adhere to family-established curfews. A curfew is a management tool that police could use to disperse large groups of juveniles, such as the approximately 25-member group who participated in the August mass theft at a 7-Eleven store in Germantown just before 2:00 a.m.

► What does the curfew law include?

The curfew basically restricts youths under the age of 18 from gathering and remaining in public places between 11:00 p.m. and 5:00 a.m. Sunday through Thursday and between midnight and 5:00 a.m. on Friday and Saturday. Its purpose is to prevent unlawful behavior and safeguard law-abiding teens. It includes a list of exemptions for which it would not restrict minors during a portion of or all of the curfew hours.

► Which other jurisdictions have curfews?

According to a survey by the United States Conference of Mayors, more than 500 U.S. jurisdictions have youth curfews, including 84 percent of cities with populations over 180,000.

In our area, two of the largest urban areas, the District of Columbia and Prince George's County have curfew laws. So does Baltimore. Virginia state law allows local jurisdictions the authority to establish curfews for minors between the hours of 10:00 p.m. and 6:00 a.m. In 1996, President Bill Clinton recommended a 9:00 p.m. youth curfew to protect young people from becoming victims. Over 70 cities have **daytime** youth curfew laws to hold parents accountable and keep kids in school. Montgomery County has revitalized or developed urban centers in Bethesda, Clarksburg, Germantown, Rockville, Silver Spring, and Wheaton, so it would make sense to have a **county-wide** curfew.

► How will it work?

Police would confront teens called to their attention due to suspected suspicious, menacing, potentially violent, or violent behavior. The police would not be involved in routinely rounding up minors for the sake of enforcing the curfew law, but the curfew would instead be a tool when encountering suspicious or dangerous behavior either on patrol or when dispatched to a complaint from a citizen. Those individuals would be asked to give their age and purpose for being in a public place or establishment.

If they are 17 or younger and their purpose for being out does not fall within the exemptions, the minor would be advised of the curfew law and directed to return home. If the minor leaves, no further action would be taken. If the minor refuses to leave, the minor would be issued a civil citation. If the minor still refuses to leave, he could be “failing to obey the lawful order of a law enforcement officer to prevent a disturbance of the public peace” and could be taken into custody.

The now “juvenile defendant” would be transported to a Police District station and processed for that misdemeanor charge. The defendant’s parents and/or guardian would be notified to come and take custody of the minor. If the appropriate adult responds, the juvenile is released to that person pending any follow-up action by the Department of Juvenile Services (DJS). If the parent/guardian or their designee refuses or is unable to respond to take custody, the DJS is contacted by the arresting officer. The DJS has its own protocols that determine if the juvenile will be placed in a facility pending action the following day. Youth who are repeat offenders and who appear to lack adult supervision and support may be brought to the attention of Montgomery County’s Department of Health and Human Services so that some follow up or assessment may be completed and the needs of the youth may be addressed.

► What are the penalties?

A curfew violation would be a civil violation punishable by a fine of \$100 for the first offense and \$150 for a second offense according to amendments the County Executive is proposing to the original bill. As amended, minors would not be ordered to perform up to 25 hours of community service. If arrest authority is needed a juvenile offender could be charged with “failure to obey an order made by a police officer to prevent a disturbance of the public peace.”

The penalty for the criminal offense of “failure to obey” is up to 60 days in jail and/or up to a \$500 fine.

A parent of a minor commits an offense if he or she knowingly permits, or allows, a minor to remain in any public place during curfew hours. Parents would also be liable for a fine of \$100 for the first offense and \$150 for a second offense. Parents of a minor cited under the law would not be required to attend parenting classes.

An owner or operator of an establishment commits an offense if he or she knowingly allows a minor to remain on the premises of the establishment within curfew hours.

Any owner or operator of an establishment not exempted under the curfew - after being given a warning - is subject to a fine of \$100 for the first offense and \$150 for a second offense.

► When is a juvenile exempt from the curfew?

1. When accompanied by a parent or guardian.
2. When accompanied by another adult authorized by the parent or guardian to accompany the juvenile for a designated purpose and period of time.
3. When on an errand at the direction of the parent or guardian without any detour or stop until 12:30 a.m.
4. When in a motor vehicle, train, or bus in interstate travel through the County or starting or ending in the County.
5. When going to, engaged in or returning home from employment without any detour or stop.
6. Responding to an emergency.
7. When on the property where the minor lives.
8. On the sidewalk next to the minor’s residence or the next-door neighbor’s residence if the neighbor does not complain to police about the minor’s presence.
9. When attending, or returning from an official school, religious, or other type of recreational activity sponsored by the County, a civic organization, or another similar entity that takes responsibility for the minor at the event.
10. When exercising First Amendment rights protected by the U.S. Constitution, including free exercise of religion, freedom of speech, and the right of assembly.

► **What additional exemptions are being considered?**

The County Executive has proposed an additional exemption when a minor is attending and/or returning from a movie, concert, play, or sporting event.

► **How can you ensure that a curfew will not cause police to engage in racial and age profiling?**

Police would be asked to respond to groups of young people and particular situations that appear threatening or where trouble has erupted. The response would be based on activity, not race. Officers would not be stopping someone solely based on their race or potential juvenile status. There would need to be probable cause to believe that trouble would occur. Montgomery County Police have consistently been vigilant about not engaging in profiling. There is no reason to believe that a new law would cause that to change. Prevention of any type of profiling is based on hiring the right caliber of officers, giving officers appropriate and continuing training, and having consequences in place for failure to perform to defined standards.

► **Curfews fail to address the causes of juvenile delinquency. Why doesn't the County put more efforts into prevention programs which would target the offenders, not the law-abiding teens?**

The County has invested and does invest in prevention and suppression programs. The County has spent over \$8 million in prevention-based programming over the past four years as part of the County Executive's "Positive Youth Development" initiative which includes out-of-school -time programs across the County. Programs are offered throughout the year at both the middle school and high school levels with the goal of providing youth with safe, supervised and constructive activities that prevent negative behavior. The Police, Health & Human Services and Recreation Departments join together with other agencies in efforts to educate about, intervene to prevent, and suppress gang activity in the County.

The youth curfew would complement these and other efforts by government and community and non-profit groups and organizations. The problem of youth violence and victimization needs immediate attention by police who are in need of another means to control unruly groups of minors. The curfew is not meant to take the place of other types of assistance to at-risk teens and their parents.

► **Why don't you take the money you would spend on administering a curfew and spend it on youth programs to help prevent violence?"**

The cost to administer a curfew would be low and offset by the prevention of situations that would tax Police resources even more. The County is already investing in a broad range of positive youth programs.

► **The crime statistics posted on the police website show that crime is down in the county and that there is a decrease in "youth offenses." Why a curfew when youth crime is down?**

Total crime has been on a downward trend in the County for the past four years. That's good news. However, the "juvenile offenses" category of statistics under the Uniform Crime Reporting standards refers only to "runaways, "out of control youth", and "runaways-other jurisdictions" which are exclusive to juveniles. It is not a measure of such crimes as robberies, assaults, sexual offenses, etc. that may be committed by either juveniles or adults.

Still, existing County data shows that the total number of youth arrests increased from 1,548 in 2006 to 2,626 in 2010. Juvenile arrests as a percentage of all arrests increased from 12 percent in 2006 to 21 percent in 2010.

The curfew proposal did not come after a study of statistics that showed a dramatic increase in crimes committed by juveniles. Rather, it came as a proactive measure to address an emerging potentially dangerous situation and to better protect young people from being victims of crime or being involved in criminal activity.

► **Why not limit curfews to, say, the Central Business Districts in the County?**

That would simply cause the problem to shift across the street, just outside the business districts or to other parts of the County. Not all juvenile-related crimes and juvenile victimization occur in Central Business Districts.

► **Do curfews really cut down on youth crime?**

If you do some research you'll find that there are valid studies that say they don't and others that say they do. However, one of the benefits of a curfew is that it can act as a deterrent to crime; and that aspect of a curfew — what **doesn't** happen — can't be statistically measured.

We do know for certain that serious traffic crashes involving our youngest drivers have dropped significantly since Maryland tightened teen driving laws. According to preliminary state data released in June of this year, teen fatalities dropped 25 percent from 48 deaths in 2009 to 36 in 2010. Teen injuries fell by 17 percent, from 5,479 in 2009 to 4,543 in 2010. Teen drivers can't obtain a license without restrictions, including driving between midnight and 5:00 a.m., until they are 18 years old. The curfew would apply the same types of restrictions to teens who are on foot or who use mass transit.

► **If you are basing the need for a curfew on actual crimes being committed by young people during the overnight hours, why am I not seeing that reflected in the crimes listed in the Recent Crime Summaries that are posted on the police website on each District's webpage?**

The Recent Crime summaries are not a listing of every crime reported in the county. The summaries provide a sampling of trends of crimes reported to police. There is no suspect description for the majority of the crimes listed, so the age of a suspect is not known at that phase of reporting. Because of that, reviewing what is printed in the crime summaries would not be a means of determining how many crimes are committed by juveniles and/or how many crimes are committed during proposed curfew hours. Those crime listings do not include calls for service that come through the police computer-aided dispatch system. Some of those calls for service do not require that a report be written but still mandate a police response. An example might be a fight in progress or a disorderly conduct incident.

► **What data do you have on juvenile crime and victimization occurring in the County?**

A recent analysis of reported crime regarding juveniles revealed:

- The percentage of juvenile arrests (out of total arrests) increased from 12% in 2006 to 21% in 2010.
- For each year from 2008 through 2010, juvenile victims accounted for approximately 4% of all victims reporting incidents in the county.
- The percentage of robberies occurring between 11:00 p.m. and 5:00 a.m. with any juvenile arrest has increased steadily since 2008. However, the percentage of robberies in that same time period with any juvenile victim has decreased.
- The percentage of assaults occurring between the above hours with any juvenile arrest has increased steadily since 2008, and the percentage of assaults occurring between those hours with a juvenile victim has increased.
- The percentage of weapon offenses occurring between the above hours with any juvenile arrest has increased since 2008.

► **Don't you think the curfew will cause a loss of revenue to local businesses?**

No. Business owners know that groups of rowdy and intimidating teens keep their adult customers (who typically spend more) away. Many adults have expressed fear in the presence of groups of young people who speak loudly and act in a threatening manner. Businesses in Prince George's County and in the District of Columbia have been supportive of the youth curfews there, according to the police chiefs in those jurisdictions. Some Montgomery County Chambers of Commerce have already provided their supportive feedback for the curfew.

► **What about other municipalities like Gaithersburg, Rockville, and Takoma Park — are they going along with the curfew proposal?"**

Some municipalities adopt legislation enacted by the County. The governing body of each municipality will likely examine the final proposal and after discussion with their jurisdiction's police department make the determination if they will accept the curfew legislation. Any jurisdiction that does not accept a curfew law may open itself up to becoming a haven for those juveniles who are seeking a gathering place to cause trouble.

From young people affected by the curfew:

► **"The curfew doesn't seem fair, why penalize the majority of good teens because of the actions of a few?"**

We know that the vast majority of our teens are responsible members of our community. That's why with a list of exemptions to the curfew and the manner in which it will be enforced, the curfew is designed to have a minimum impact on our young people who aren't causing any trouble. The curfew's purpose is to protect you and adults from becoming victims of crime, as well as to provide a tool for police to prevent crimes committed by minors who are posing a threat to public safety.

As Police Chief Tom Manger said in his testimony before the County Council: "As a parent and a Police Chief, I do not want to limit the legitimate opportunities for entertainment and interaction for our young people. Nor do I want to stand idly by and not have at our disposal a tool which can help us manage situations before they turn ugly."

► **"Will teens be able to work past the curfew hours?"**

Yes. If you have a job that requires you to work past curfew hours you are exempt from the curfew law. However, when your work shift ends, you would be expected to return directly home without making any other stops along the way.

► **“Will kids still be able to go to late-night movies?”**

Yes, if the movie begins before the curfew hour. It does not have to end before curfew. The current proposal was never meant to be the final product. It was presented to get the process started. Input from members of the County Council and the community, especially our young adult community members, is welcomed as a final drafting of the law is in process.

The County Executive has proposed an amendment to the bill that would exempt minors attending and/or returning from movies, concerts, plays, and sporting events.

► **“Will kids be able to stop by an open establishment on their way to a Metro or bus stop after curfew hours?”**

The goal is compliance with the curfew so try to get what needs to be done prior to the curfew hours. If there is a very particular reason that causes you to need to make a stop on the way home, chances are that will not arouse concern. If you are stopped and asked your age and purpose of being out past curfew, you just need to comply with an officer's or business owner's direction that you are in violation of the curfew and continue home.

► **“Why does the curfew law apply to youth under age 18?”**

One of the goals of the curfew is to provide police with an additional tool to prevent criminal activity committed by juveniles. A juvenile does not legally become an adult until age 18. That's why there are restrictions on the sale of alcohol and the purchase of tobacco products to underage individuals. So it makes sense for the curfew to cover those 17 and under. Once you are 18, adult laws apply to the offender.

► **“Why can't the County police use the existing laws such as loitering, disorderly conduct, and trespassing, instead of creating a new curfew law?”**

Loitering laws are now strictly drawn to comply with recent court decisions. Loitering is now defined only as blocking an entrance or exit to a place or area. Disorderly conduct must be observed by the responding officer. Trespassing laws are not applicable to public spaces unless that space is explicitly posted as closed between certain hours (such as County parks). The youth curfew is designed to apply to situations where none of these laws are options.

► **“Don't you think a curfew will foster distrust of police and government by youth?”**

No. Young people are providing their input to the proposal; they will have a voice in the final product. Once everyone understands that the curfew is important to improve everyone's safety, and that its enforcement will have little impact on minors who aren't breaking the law, there should be greater acceptance.

► **“According to the Youth Rights Association, statistical studies don't show a correlation between curfew enforcement and decreased juvenile crime. So why have a curfew if it isn't going to be effective?”**

The curfew wasn't proposed based on statistics, it was based on what police are seeing as an emerging concern. We could sit back and wait until the situation gets worse, but the County Executive didn't want to hold back if there was something that could be more quickly done that could make everyone safer.

There are a variety of studies on the subject and studies can be found to both support and that disprove the effectiveness of curfews.

According to a survey by the United States Conference of Mayors, more than 500 U.S. jurisdictions have youth curfews, including 84 percent of cities with populations over 180,000.

A survey by the group of 347 cities with populations over 30,000 found the following:

- 90 percent of jurisdictions with curfews said that enforcing a curfew was a good use of Police time.
- 93 percent said a nighttime curfew was a useful tool for police officers.
- 88 percent said curfews helped make their streets safer for residents.
- 83 percent said curfews helped to curb gang violence.

While comparisons and cause-and-effect can be difficult, San Antonio saw victimization of youth drop 53 percent after enactment of a curfew. The rate in Dallas fell 17 percent. In San Diego, violent crime by juveniles dropped by 20 percent and violent crimes against juveniles fell by 40 percent.

In our region, two of the largest urban areas, the District of Columbia and Prince George's County have curfew laws. So does Baltimore. Virginia state law allows local jurisdictions the authority to establish curfews for minors between the hours of 10:00 p.m. and 6:00 a.m.

The District of Columbia experienced a 50 percent reduction in juvenile victims of violent crime and a 43 percent reduction in juveniles arrested during curfew hours when a 10:00 p.m. curfew was in effect during a 2006 crime emergency.

In 2010, the District of Columbia police had 4,326 cases of curfew violations; Prince George's County had 78 cases. In both jurisdictions this represents only those underage who have refused to go home. Obviously, hundreds and thousands have been told to go home and complied – and/or complied in the first place by not being out after curfew. Those much larger numbers are not reflected in the statistics.

The County Executive and Police Chief Tom Manger spoke directly to Washington D.C.'s Metropolitan Police Chief Cathy Lanier and Prince George's Police Chief Mark Magaw who believe that the youth curfew has been an effective tool in their jurisdictions for protecting young people. Though, as in Montgomery, there were questions raised at the beginning of the process, the youth curfew now enjoys broad support and, according to the chiefs, any public comment now tends toward supporting broader use of the youth curfew.

Police have confirmed that minors in neighboring jurisdictions with curfews are entering Montgomery County and getting into trouble here because there isn't currently a curfew in our county and that issue needs to be addressed

From concerned parents:

► **“Will parents be able to pick up their children at establishments such as fast food restaurants after curfew hours?”**

Yes, in a situation where you are unavoidably delayed. It is expected that parents will support the curfew hours and make arrangements to pick up their children to avoid them being out after those hours. The curfew targets groups of teens in public places who are engaging in menacing or violent actions. A small group of teens eating quietly at a restaurant or waiting to be picked up by a parent, is not likely to cause anyone to call police.

► **“Why should the government set a curfew, isn't that the right and responsibility of parents?”**

Many parents do set and are able to enforce curfews for their children. However, the at-risk teens that this curfew is designed to prevent getting into trouble frequently resist parental control or belong to challenged families where the parents need additional support to manage the actions of their children. The curfew can aid parents in carrying out their responsibilities to reasonably supervise children entrusted to their care. It is important to note again that there has been a de facto motor vehicle operator curfew in effect for many years now – the curfew simply applies that same concept to pedestrians and people traveling by mass transit.

From business owners:

► **“Can my businesses provide goods and services to teens past the curfew — i.e. sell movie tickets past the curfew; serve them dinner, etc?”**

Businesses are expected to support the curfew by not allowing their property to become a gathering place for groups of teens who could potentially cause trouble. There will be exemptions to the curfew and owners of entertainment and sports-related businesses should know those exemptions. A quiet gathering of young people should not pose a problem, but if a group gets rowdy business owners can use the curfew in the same way police officers would, as a means to move the troublemakers out of their establishment. Business managers should not put themselves in harm's way and can also call for police to disperse a group becoming out of control.

► **“Can my business get into trouble for providing goods and services to teens after the curfew?”**

Owners of businesses not exempt from the curfew are obligated to reasonably uphold the curfew. A business owner could be held legally accountable for knowingly providing a location for an unruly group of juveniles to gather during curfew hours.

► **“Can my business hire a teen when I know that their shift will go beyond the curfew?”**

Yes. Teens with jobs are exempt from the curfew.

► **“Should I notify the police if teens are coming into my establishment after the curfew without an adult, or notify the police if teens are gathering outside of my business after the curfew?”**

Business owners should notify police if a group of underage teens is causing trouble inside their establishment or on their property, just as they would be expected to do outside of curfew hours.



For more information go to: <http://www.montgomerycountymd.gov/curfew>